IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS MCALLEN DIVISION

UNITED STATES OF AMERICA,	§		
	§		
Plaintiff,	§		
	§		
v.	§	CASE NO.	7:19-CV-250
	§		
72.260 ACRES OF LAND, MORE OR	§		
LESS, SITUATE IN HIDALGO COUNTY,	§		
STATE OF TEXAS; AND FRIENDS OF	§		
WILDLIFE CORRIDOR, A TEXAS	§		
NONPROFIT CORPORATION,	§		
	§		
Defendants.	§		

JOINT MOTION FOR ORDER ESTABLISHING DISTRIBUTION OF FUNDS ON DEPOSIT IN THE REGISTRY OF THE COURT, AND CLOSING CASE

- 1. On July 23, 2019, the United States filed a Declaration of Taking¹ (hereinafter "Declaration") and its Complaint² (hereinafter "Complaint"), for a twelve (12) month temporary easement for real property identified as Tract RGV-MCS-1215 (hereinafter "Subject Property"). The interest and property are more particularly described in Schedules "C", "D", and "E" of the Declaration³.
- 2. On August 5, 2019, the United States deposited \$100.00 into the Registry of the Court as estimated just compensation for the right of entry⁴. Pursuant to 40 U.S.C. § 3114(b)(1), the filing and the deposit immediately vested title to the acquired property interest in the United States.

¹ Dkt. No. 3.

² Dkt. No. 1.

³ Dkt. No. 3.

⁴ Dkt. No. 6.

- On December 30, 2019, this Court granted the United States possession of Tract RGV-MCS-1215.⁵
- 4. The United States and Defendant Friends of Wildlife Corridor make this joint motion for an Order: (1) to disburse the \$100 just compensation for Tract RGV-MCS-1215 from the funds on deposit in the Registry of the Court; (2) and closing this case on the Court's docket. As grounds for this motion, the parties jointly state that:
 - a. Parties agree that the full and just compensation payable by the United States for the twelve (12) month temporary easement of Subject Property shall be the total sum of \$100.00.
 - b. Defendant warrants that it is the owner of the Subject Property; that it has the exclusive right to the compensation herein, excepting unpaid taxes and assessments, if any; and that no other party is entitled to the same or any part thereof by reason of any unrecorded agreement.
 - c. In the event that any other party is ultimately determined by a court of competent jurisdiction to have any right to receive compensation for the Estate in the Subject Property, the Defendant shall refund into the Registry of the Court the compensation distributed herein, or such part thereof as the Court may direct, with interest thereon at an annual rate calculated pursuant to 40 U. S. Code 3116 (2006), from the date of receipt of the respective deposits by the Defendant[s] to the date of repayment into the Registry of the Court.
 - d. The funds deposited by the United States into the registry of the Court for Tract RGV-MCS-1215 remain in the registry of this Court, and the parties request that

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⁵ Dkt. No. 17.

- the Court enter its order directing the Clerk of the Court to disburse said just compensation payable to Friends of Wildlife Corridor.
- e. Defendant shall be responsible for its own legal fees, costs, and expenses, including attorneys' fees, consultants' fees, and any other expenses or costs.
- 5. The parties request that the Court enter an order closing this case on the Court's docket.

Respectfully submitted,

THE MOORE LAW FIRM

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CERTIFICATE OF SERVICE

I certify that on June 17, 2020, a copy of the foregoing was electronically filed in the CM/ECF system, which will automatically serve a Notice of Electronic Filing on counsel of record.

By: <u>s/ Hilda M. Garcia Concepcion</u> HILDA M. GARCIA CONCEPCION

Assistant United States Attorney